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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,415	07/09/2003	Stsushi Onoc	4105-19	7962

23117 7590 08/31/2006

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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,415

Applicant(s)

ONOE ET AL.

Examiner

Thang V. Tran

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 13-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 8, 10-12 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15:

The term "said electric holding member lacks antecedent basic. Also, it is unclear from where the tip portion of the first electrode projects due to the negative limitation recited in this claim.

In claim 17:

It is unclear as to what a scanning nonlinear dielectric microscopy method is and how this method is incorporate used in the device as recited in this claim in order to reproduce information recorded on the dielectric recording medium.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 9, 13-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Newns et al (US 6,515,967).

Regarding claim 1, Newns et al., according to Figs. 1 and 2, discloses a pickup device for a dielectric recording/reproducing apparatus using a dielectric material (1a) as a recording medium, comprising: a first electrode (5, 7a) for applying an electric field to the dielectric material; an electrode holding member (member to which members 5 and 7 are attached as shown in head 2) for holding said first electrode; an arm portion (6) equipped with said electrode holding member ; and a rotating mechanism (see Fig. 1) for rotating said arm portion (6) in directions D and D'.

Regarding claim 2, limitation in this claim must be inherently included in the system of Fig. 1 in order to carry a flying head 2.

Regarding claims 3 and 6, see member to which a conducting member 7 attached is interpreted as a insulating member.

Regarding claim 4, see member 7 and tip 7a that are formed as one piece.

Regarding claim 9, members 5 and 7a are interpreted a plurality of the first electrodes disposed on the electrode holding member.

Regarding claims 13 and 14, limitation in one of claims 13 and 14 is inherently included in the system of Fig. 1, and another is considered as obvious variance to one of ordinary skill in the art.

Regarding claim 15, see tip 7a that is not projected from the surface of the electric holding member facing the recording medium.

Regarding claim 17, the reproducing operation of the system as shown in Figs, 1 and 2 is interpreted as a reproducing on the basis of a scanning nonlinear dielectric microscopy method.

Allowable Subject Matter

4. Claims 5, 7, 8, 10-12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 5, 7, 8, 10-12 and 16 are allowable over the prior art of record because the prior art of record, considered alone or in combination, fails to suggest or fairly teach a pickup device including a combination of all of limitations as specifically recited in each claims 5, 7, 8, 10-12 and 16.

Cited References

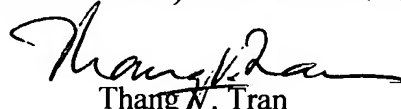
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a pickup having a probe or tip used to read/write data from/on a recording medium having dielectric layer provided thereon.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Thang N. Tran
Primary Examiner
Art Unit 2627